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CRL OP(MD).No.11158 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.08.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.11158 of 2024

Prakash

... Petitioner

Versus

The Inspector of Police,
Town South Police Station,
Dindigul District.

... Respondent/Complainant

Muthukumar

... Petitioner/Intervenor

In CrI.MP(MD).7839/2024 in CrI.OP(MD).11158/2024

For Petitioner: Mr.P.Anandha Padmanabhan, Senior Counsel
for M/s.APN Law Associates

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (CrI. Side)

For Intervenor : Mr.D.S.Haroon Rasheed, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER :- For Anticipatory Bail in Crime No.185 of 2024 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A5, apprehending arrest at the hands of the respondent Police,



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in connection with a case in Crime No.185 of 2024, for the offence under Sections 341, 307, 294(b) and 506(2) IPC, has filed this petition seeking anticipatory bail.

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2. This is the second anticipatory bail petition. The petitioner had earlier filed an anticipatory bail petition before this Court in Crl.O.P.(MD)No.8625 of 2024 and the same was dismissed. The defacto complainant is a practising advocate and for having lodged a complaint against the illegal arrack, he was assaulted by the accused. Considering the objections made on behalf of the defacto complainant and the respondent Police, this Court, by order dated 25.06.2024, has dismissed the earlier anticipatory bail petition.

3. The learned Senior Counsel appearing for the petitioner submits that admittedly, the petitioner was not present in the scene of occurrence and he was implicated only through the confession statement of the co-accused. The learned Senior Counsel further submits that the petitioner is a philanthropist and he is not involved in any criminal case. The learned Senior Counsel has also produced an affidavit filed by the Parish Priest of Dolours Church, certifying the conduct of the petitioner. The church father has also given an assurance that the petitioner will not involve in any offence in future.

4. The learned counsel appearing for the defacto complainant raised serious objections that the defacto complainant, an Advocate, has lost one of his fingers and



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suffered brutal injury. He was admitted in the Hospital for 8 days and he has also incurred medical expenses around Rs.4 lakhs. Therefore, he insisted the petitioner to pay some amount to the credit of Crime No.185 of 2024.

5. The learned Government Advocate (Crl.side) appearing for the respondent Police submits that the investigation is still pending. Except the petitioner, all other accused have been arrested and released on bail. The victim was discharged from the Hospital on 10.06.2024. He also fairly submits that the petitioner has been implicated only through the confession statement of the co-accused.

6. This Court considered the rival submissions made and perused the materials placed on record.

7. Admittedly, the petitioner was not present in the scene of occurrence and he was implicated only through the confession statement of the co-accused. That apart, the Parish Priest of Dolours Church has filed an affidavit certifying the conduct of the petitioner as under:

“The entire family of Prakash is faithful Christians for several generations. The entire family has contributed to the development of the church very sincerely. Prakash, S/o.Xavier is a good person and he has no adverse remarks or antecedents in his social behavior and by nature is having a tendency to help people. Though their family is



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actively involved in politics, they are law abiding citizens and also God fearing.”

The Parish Priest has also given an assurance that the petitioner will not involve in any unlawful or illegal activity at any time in future.

8. Considering the nature of offence, the affidavit filed by the Parish Priest of Dolours Church, certifying the conduct of the petitioner and also considering the fact that the respondent Police has not secured the petitioner even after the dismissal order of this Court passed in Crl.O.P.(MD)No.8625 of 2024 dated 25.06.2024, this Court is inclined to grant anticipatory bail to the petitioner.

9. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate on condition that

(i) the petitioner executes a bond for a sum of Rs.1,00,000/- (Rupees one lakhs) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Dindigul.

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;



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(iii) The petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. He has to co-operate for the investigation.

(iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses.

(v) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
06/08/2024

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/08/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE NO.III
DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE,
TOWN SOUTH POLICE STATION,
DINDIGUL DISTRICT.

<https://www.mhc.tn.gov.in/judis>



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4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M/S.APN LAW ASSOCIATES, Advocate (SR-9532[I] dated
06/08/2024)

ORDER
IN
CRL OP(MD) No.11158 of 2024
Date :06/08/2024

SA/VR/SAR. /20.08.2024/6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.